



IFW 2615

PATENT
0879-0269P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hiroshi MIZUMURA Conf.: 5731
Appl. No.: 09/630,390 Group: 2615
Filed: August 1, 2000 Examiner: GEVELL V. SELBY
For: TV LENS SYSTEM AND APPARATUS

L E T T E R

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 30, 2004

Sir:

Attached is a Communication Pursuant to Article 96(2) EPC for the Examiner's consideration. Please note that the references cited in this Communication were filed in a previous Information Disclosure Statement on August 4, 2003.

If the Examiner has any questions concerning this application, the Examiner is requested to contact the undersigned at (703) 205-8000 in the Washington, DC area.

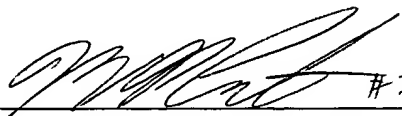
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

Appl. No. 09/630,390

required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17;
particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #39,491
/s/ Marc S. Weiner, #32,181

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Attachment(s)



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Generaldirektion 2

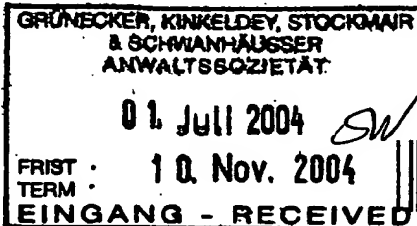
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| | | |
|---|------------------------|--------------------|
| Application No. 00 116 639.6 - 2217 | Ref. EP19432-065/kg | Date 30.06.2004 |
| Applicant Fuji Photo Optical Co., Ltd. | | |

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



THEOPISTOU-BERTRAM P
Primary Examiner
for the Examining Division

Enclosure(s): 2 page/s reasons (Form 2906)



Beschheid/Proto (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum
Date 30.06.2004
DateBlatt
Sheet 1
FeuilleAnmelde-Nr.:
Application No.: 00 116 639.6
Demande n°:

The examination is being carried out on the following application documents:

Text for the Contracting States:

AT BE CH CY DE DK ES FI FR GB GR IE IT LU MC NL PT SE LI

Description, pages:

1-45 as originally filed

Claims, No.:

1-13 as originally filed

Drawings, No.:

1-11 as originally filed

The following documents are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: EP-A-0 869 381 (CANON KK) 7 October 1998 (1998-10-07)

D2: US-A-5 434 621 (YU KYEONG-SU) 18 July 1995 (1995-07-18)

D3: US-A-5 113 214 (NAGATA ATSUSHI. ET AL) 12 May 1992 (1992-05-12)

D4: PATENT ABSTRACTS OF JAPAN vol. 1998, no. 06, 30 April 1998 (1998-04-30) & JP 10 039193 A (CANON INC), 13 February 1998 (1998-02-13)

D5: PATENT ABSTRACTS OF JAPAN vol. 1997, no. 04, 30 April 1997 (1997-04-30) & JP 08 334674 A (CANON INC), 17 December 1996 (1996-12-17)

D6: EP-A-0 869 669 (CANON KK) 7 October 1998 (1998-10-07)

Objections

1. **Claims 1,9,11,12** have been drafted as separate independent claims.

Under Article 84 in combination with Rule 29(2) EPC an application may contain more than one independent claim in a particular category only if the subject matter claimed falls within one or more of the exceptional situations set out in paragraphs (a), (b) or (c) of Rule 29(2) EPC. This is not the case in the present application however, for the reason that all aforementioned claims concern lens systems performing control functions worded differently.



Bescheid/Proto. (Anlage)

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Datum
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Feuille

2

Anmelde-Nr.:
Application No.: 00 116 639.6
Demande n°:

2. Preliminary it is observed that all aforementioned claims appear to comprise a combination of features known from the documents cited by the applicant on pg. 2, ln. 2-pg.3, ln. 14 (D1, D4, D5). In particular claims 11 or 12, which have narrower scope, comprise a conglomeration of different features of the control element and are anticipated by D1 or D2 or D3 (Art. 52(1) EPC). Although not mentioned in the claims a feature which appears essential and is not present in the claims (Art. 84 EPC) is that "the lens apparatus cannot activate the view angle correction function in a case where the shot function and/or the limit function are executed" (cf. pg. 3, ln. 14-16 of description as originally filed). However, D1 contains this feature (cf. col. 5, ln. 43-46). The same appears to be the case for D2 (cf. col. 4, ln. 27-47) or D3 (cf. col. 6, ln. 50-53).
3. It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Rules 29(1) and 29(2) EPC. The applicant should also indicate in the letter of reply the **difference** of the subject-matter of the new claim vis-à-vis the state of the art and the **unexpected effect** thereof. Care should be taken during revision, not to add any subject-matter which extends beyond the content of the application as filed (Art. 123(2) EPC). In order to facilitate the examination of the amended application, the applicant is invited to **clearly identify** the amendments carried out and to **indicate the passages** of the application as filed on which these amendments are based.